



# SUSSEX COUNTY COUNCIL

## AGENDAS & MINUTES

*SUSSEX COUNTY COUNCIL, GEORGETOWN, DE – MARCH 27, 2012*

### Call to Order

The regular meeting of the Sussex County Council was held Tuesday, March 27, 2012, at 10:00 a.m. in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Michael H. Vincent	President
Samuel R. Wilson, Jr.	Vice President
George B. Cole	Member
Vance C. Phillips	Member
Joan R. Deaver	Member
Todd F. Lawson	County Administrator
Susan M. Webb, CPA	Finance Director
J. Everett Moore, Jr.	County Attorney

The meeting was opened by repeating the Lord's Prayer and Pledge of Allegiance to the Flag.

### M 151 12 Amend and Approve Agenda

A Motion was made by Mr. Wilson, seconded by Mr. Phillips, to amend the Agenda by deleting "Approval of Minutes", and "Job Applicants' Qualifications" and "Personnel" under "Executive Session"; and to approve the Agenda, as amended;

**Motion Adopted: 5 Yea.**

**Vote by Roll Call:** Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Phillips, Yea; Mr. Wilson, Yea;  
Mr. Vincent, Yea

### Corre- spondence

Mr. Moore read the following correspondence:

**THE HONORABLE GEORGE BUNTING, SENATOR OF THE STATE OF DELAWARE**

**RE: Form letter sent by Senator Bunting to his constituents and others regarding House Bill No. 290.**

### League of Women Voters/ Sunshine Day Presentation

Mr. Lawson noted that Carole Somers, with the Sussex County League of Women Voters, was in attendance to present their Sunshine Day Report. It was explained that Sunshine Day is held on James Madison's birthday (March 16), the father of the constitution. Sunshine Week (March 11 to 17) is a nationwide effort to call for transparency in government and freedom of

(Con't.)

information. As part of the League's support for openness, its Observer Corps monitors governmental bodies for "issues of importance to the League and to the county". Their third annual report, which was distributed and reviewed, reported on three Sussex County public bodies (County Council, Planning and Zoning Commission, and Board of Adjustment). Beginning this year, representatives are also attending school board meetings. Reports from the observers are compiled into monthly reports and submitted to the League. Between February 2011 and January 2012, League of Women Voters' Observers attended 83 percent of County Council meetings, 26 percent for the Planning and Zoning Commission, and 23 percent of the meetings of the Board of Adjustment.

Highlights noted, along with the League's position, include:

1. Granting of time extensions to developers whose projects were expiring - protect the citizen's right to know and facilitate citizen participation in government decision-making.
2. Police training for sheriff's deputies – the League holds the position that row offices should be removed from the election process and their functions moved to the appropriate state or local administrative agency.
3. Redistricting – support for an open unbiased process for reapportionment and redistricting with opportunities for public participation, as well as an independent commission for reapportionment/redistricting.
4. Public Facilities Ordinance – support of the regulation of growth and optimum use of land through comprehensive planning policy.
5. Wetland Buffers: critical land areas – support for preservation and/or protection of certain critical areas (ecologically fragile estuaries and coastal areas, farmland, aquifers, floodplain, and natural areas); environmental protection and pollution control – preserve the physical, chemical and biological integrity of the ecosystem, with maximum protection of public health and the environment.
6. Hire a certified county planner – position has been vacant for more than two years.
7. Provide agenda information so that the public can understand and follow discussions – there has been some improvement in making agendas available at County Council meetings and, only occasionally, supplemental material is distributed. The League recommends that such material be posted on the website along with the agenda. Agendas are not readily available at Planning and Zoning and Board of Adjustment meetings. Land use agenda items should include specific address, clearly identifying the location.
8. Officials should make sure that they can be heard by the audience in the chamber and online – this continues to be an issue. Officials should also refrain from conducting side conversations.

Additionally, the League is favorably impressed by the fiscal management of the County; County employees are polite and helpful; the emergency

management services are state-of-the-art both in equipment and care for health emergencies and disasters; county sewer expansion appears to be efficient and an asset to the community; and citizens at public hearings are treated respectfully.

Letter of  
Credit/  
Summer-  
crest  
(Con't.)

Mr. Izzo was in attendance to discuss the project known as Summercrest, which is a 98-lot subdivision located near the intersection of Route 24 and County Road 275. There are a number of outstanding work items to be completed by the developer, Munson Street, LLC, totaling \$178,960.32. Mr. Izzo noted that the notice to proceed was issued in 2005, with the last visible work being completed in 2006. Specific work items remaining for the Sussex Conservation District, Planning and Zoning, and Public Works were detailed. Mr. Izzo reported there is one joint letter of credit, valued at \$312,500, for all three activities and expires on September 28, 2012. As background, Mr. Izzo noted that a letter had been sent to Mr. Anderson, the developer, providing him with a list of outstanding work items and requesting his schedule for completion. Mr. Anderson was given a date of January 15, 2012 to provide this information. On January 13, 2012 a letter was received from Mr. Anderson requesting a 30-day extension, during which time the County did not receive a response from the developer. On February 20, 2012, another letter was sent to Mr. Anderson by Mr. Izzo indicating that no formal response had been received and it was the County's intention to seek the Council's authorization to call-in the Letter of Credit. Mr. Izzo reported that an attorney representing Mr. Anderson had recently contacted David Rutt, Assistant County Attorney, stating they intend to complete the work within the development. As a result of recent events, Mr. Izzo is requesting authorization to call in the letter of credit if the developer does not adhere to a plan of action – with set milestone dates – to be developed after a meeting is held between the County, the residents, and the developer. Mr. Izzo explained that if the developer does not meet set milestone dates, or construction is not complete by August 28, 2012, the letter of credit would be called in based upon his authority and joint recommendation with Mr. Rutt.

Mrs. Deaver questioned a possible work completion date of August 1, 2012, and noted the importance of using the correct developer name as a result of confusion stated to her regarding Munson Street Homes, LLC as opposed to Anderson Homes. Mr. Izzo stated that the County has Munson Street, LLC as the developer of record, however, the County deals with Mr. Anderson, of Anderson Homes, on a day-to-day basis. He also confirmed that upon passage of the motion by Council, all construction timelines would be nonnegotiable. It was requested by Mr. Cole for Mr. Lawson to be authorized, in combination with Mr. Izzo and Mr. Rutt, to act on behalf of the County

M 152 12  
Authorize  
Action/  
Summer-

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, that the Sussex County Council finds that should Council receive the joint finding of the Assistant County Attorney, County Administrator, and the County Engineer, that Munson Street, LLC, Inc. has either failed to make satisfactory progress of construction based upon an approved construction schedule to complete the

**Crest/  
Letter of  
Credit**

project known as Summercrest, or all construction is not complete by August 1, 2012, its President is authorized to take action to draw funds from the letter of credit #SB9500260001 held by M & T Bank in order to complete the project improvements, or procure others to complete said improvements.

**Motion Adopted:** 5 Yea.

**Vote by Roll Call:** Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Phillips, Yea; Mr. Wilson, Yea;  
Mr. Vincent, Yea

**Woods  
at Walls  
Creek/  
Bonds**

Mr. Izzo reported on a second project known as The Woods of Walls Creek, which is a 60-lot subdivision located on Carey Lane, southeast of Georgetown. The developer is Frank Robino Companies, LLC. Specific works items remaining for the Sussex Conservation District, Planning and Zoning, and Public Works were detailed. Mr. Izzo stated that this project has one bond for stormwater and a separate bond for road construction. In September 2011, the County began receiving letters from the residents of the development asking for completion of the outstanding work. In October 2011, an email was received from the attorney representing M & T Bank also requesting the County to make claims under the bonds in order that required improvements are completed by the developer. A letter was sent to Paul Robino requesting status of the work to be completed for the subdivision. In November 2011, the developer notified the County that the property had been taken back by the bank and was out of his control, and that future correspondence should be with Frederick Ross, Vice President with M & T Bank. A letter was then sent to Mr. Ross who responded that responsibility was with the original project developer to complete the improvements. More recently, Councilman Phillips has also received letters from several homeowners requesting that the County call in the bonds to complete the work.

Mr. Wilson questioned the pond elevation contained within the project. Mr. Izzo noted that the pond is located outside the 20-foot easement. Mr. Cole inquired as to the procedure used by the County to finish incomplete projects. Mr. Izzo stated that depending on the scope of work to be completed, advertisement for contractor bids may be required, or the assistance of a surveyor or an engineering firm may be the needed course of action. Mr. Phillips questioned elevation terminology used in the letter addressed to Roger Gross, more specifically, 'all ponds were to be constructed to elevation of 13 feet'. Mr. Izzo confirmed that the elevation of 13 feet referred to depth and the County would, most likely, need to hire a surveyor.

**M153 12  
Authorize  
Action/  
Woods  
at Walls  
Creek/  
Call in**

A Motion was made by Mr. Phillips, seconded by Mr. Cole, that the Sussex County Council finds that Touse Homes, Inc. has failed to perform satisfactory construction of the project known as Woods at Walls Creek and authorizes its President to take action to call in the bond numbers K07046480 and K07046492 held by Westchester Fire Insurance Company in order to complete the improvements, or procure others to complete the improvements, in accordance with the approved plans and project requirements.

**Bonds**

**Motion Adopted: 5 Yea.**

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Phillips, Yea; Mr. Wilson, Yea;  
Mr. Vincent, Yea**

**Adminis-  
trator's  
Report  
(Con't.)**

**Mr. Lawson submitted the following information in his County Administrator's Report:**

**1. Delaware Solid Waste Authority Reports**

**There were 22,246 pounds of recycled material received at the Recycle Delaware pods at the West Complex in Georgetown during the months of January and February 2012. Both month's reports were attached.**

**2. Foreclosure Prevention Workshop**

**Sussex County Community Development and Housing, in collaboration with the Attorney General's Office, will be holding a foreclosure prevention workshop on Saturday, March 31, at the County's West Complex Administrative Offices. Homeowners that are having difficulty with their mortgage payments are encouraged to attend this FREE workshop anytime between 2:00 and 5:00 p.m. Representatives from five mortgage lender and servicer institutions will be available to discuss mortgage terms and make on-site modifications. In addition, the Attorney General's Office and HUD-approved counseling agencies will present information regarding new Federal and State programs, the foreclosure timeline in Delaware, and financial literacy education. A flyer – with additional information – was attached.**

**Pension  
Committee  
Recom-  
mendations**

**Ms. Webb, Finance Director, noted that a meeting of the Pension Fund Committee had been held on March 9, 2012, which was the first meeting of the newly organized committee that now includes a 7-member panel. Prior to today's meeting, Council was provided with information pertaining to the March 9th meeting and the Committee's recommendations. She noted that the Committee wants to maximize returns with the lowest risk tolerable, analyze current investments in the OPEB Fund and determine best choices, and, overall, to maintain healthy Pension and OPEB Plans, which may require pension changes for new hires. Ms. Webb reported that annual contributions were made for both plans in December and each plan received an additional contribution at that time. At the March 9th meeting, Peirce Park Group presented a report detailing the County's accomplishments and performance, including rebalancing recommendations, as well as various options for future investment consultant services. Ms. Webb noted that rebalancing, which realigns the investments to match the County's target allocations, is needed for both funds. She explained the importance for the County to keep investments within allocation guidelines contained in both funds' Investment Policy**

**Statement.** Ms. Webb noted that all recommendations brought before Council today were approved by the Pension Fund Committee.

**M 154 12**  
**OPEB**  
**Fund/**  
**Rebalance**

**A Motion was made by Mr. Cole, seconded by Mr. Phillips, that the Sussex County Council approves the following pension allocations for the OPEB fund: Allianz RCM Disciplined - \$250,000, Dodge and Cox Global - \$600,000, Harding Loevner Global - \$400,000, and to decrease cash by \$1,250,000.**

**Motion Adopted: 5 Yea.**

**(Con't.)**

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Phillips, Yea; Mr. Wilson, Yea;  
Mr. Vincent, Yea**

**M 155 12**  
**Pension**  
**Fund/**  
**Rebalance**

**A Motion was made by Mr. Cole, seconded by Mr. Phillips, that the Sussex County Council approves the following allocations for the Pension Fund: DuPont Capital Investment - \$2,583,725 and Fidelity Low-Priced Stock - \$2,100,000; and to reduce Vanguard Global Equity - \$783,725, Wilmington Trust Fixed Income - \$3,100,000, and the Pension Fund Cash Account - \$800,000.**

**Motion Adopted: 5 Yea.**

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Phillips, Yea; Mr. Wilson, Yea;  
Mr. Vincent, Yea**

**Ms. Webb explained that the third motion to be made concerns consultant services with Peirce Park Group. She noted that at a fee of 10 basis points, the County's cost would be approximately \$77,000 and would include quarterly reviews instead of one annual review. It was explained that both New Castle and Kent counties also have quarterly reviews of their pension plans. Kent County currently pays \$28,000 for consultant services, which includes only a review of their pension plan. New Castle County pays a fee of \$161,000. The Pension Fund Committee believes that quarterly reviews are needed and show due diligence given the size of the County's pension plan.**

**M 156 12**  
**Investment**  
**Consultant**  
**Services/**  
**Peirce Park**

**A Motion was made by Mr. Cole, seconded by Mrs. Deaver, that the Sussex County Council enter into "Traditional Pension Investment Consulting Services" with Peirce Park Group at the fee of 10 basis points.**

**Motion Adopted: 5 Yea.**

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Phillips, Yea; Mr. Wilson, Yea;  
Mr. Vincent, Yea**

**Mr. Cole requested that the Pension Fund Committee actively look into**

reforming the pension plan offered to new hires to insure sustainability. Ms. Webb noted that revisions to the defined pension plan (for new hires) was, in fact, a goal of the Pension Fund Committee for 2012 and work is currently underway with the County's actuary to investigate various options that will be brought back to Council. As of last year, the Pension Fund was 93 percent funded and the OPEB 77 percent funded.

**Sussex  
County  
Subdivision  
& Zoning  
Codes/  
Updates &  
Corrections**

Vince Robertson, Assistant County Attorney, presented a report regarding recommended updates and corrections to the Sussex County Subdivision and Zoning Codes by the Planning and Zoning Commission. Mr. Robertson had originally appeared before Council on August 16, 2011. A November 7, 2011 memorandum from Mr. Robertson was used as reference. Mr. Robertson noted that Andrew Dolby, an intern with the Planning the Zoning Department, had also looked at the Code as to possible updates and corrections needed.

Mr. Robertson, again, briefly reviewed some of the identified areas:

Chapter 99: "Typical Road Sections for Subdivisions" – This cross-section diagram remains in the published Code, even though it is not the same cross-section used by the County Engineer and needs to be deleted.

Chapter 99, Section 99 – When amending a subdivision, clarification is needed as to the means of calculating votes, or who counts as a property owner.

Chapter 99, Section 99-9 - Clarifying the current timing of hearings and decisions by the Planning and Zoning Commission.

Chapter 115, Section 115-174 – No clear instruction as to what "substantial underway" meant for purposes of a Conditional Uses, and creating a definition of 'abandonment'.

Chapter 115, Chapter 115-194.1 – An omission currently exists in a table within this section regarding setback requirements for CR-1 Commercial Residential District.

Chapter 115, Section 218 – Added a code section that deals with the validity of site plans for RPCs and to ensure that are treated the same as subdivisions.

Inconsistencies currently exist in parking space dimensions within the Code.

A concise set of guidelines needs to be established for sidewalks within subdivisions.

Mr. Robertson noted that he hopes to come back before Council within the next

couple of weeks with a proposed ordinance(s) for Council's consideration and possible introduction, which would include the public hearing process.

Council discussed issues relating to the need for definitions, i.e. abandonment, as well as raising questions as to national standards for minimum sidewalk widths and compliance with ADA requirements.

**Public  
Hearing/  
Amend  
Chapter  
115**

**A Public Hearing was held on a Proposed Ordinance entitled, "AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY TO PERMIT GARAGE/STUDIO APARTMENTS WITH PARKING AS SPECIAL USE EXCEPTIONS IN GR GENERAL RESIDENTIAL DISTRICTS".**

Mr. Abbott, Assistant Director of Planning and Zoning, reported that the Planning and Zoning Commission held a Public Hearing on this application on February 23, 2012, at which time the Commission approved the application since it makes the GR General Residential District consistent with the Special Use Exceptions listed in the other residential districts.

Mr. Abbott read a summary of the Commission's Public Hearing. The summary was admitted as part of the County Council's record.

Public comments were received by Dan Kramer noting that this type of special use exception should not be required.

The Public Hearing was closed.

Mr. Phillips questioned if an amendment could be made to the Ordinance to take into consideration the concern expressed by Mr. Kramer. Mr. Moore stated that an amendment would not be possible under today's public hearing since it would be amending the application and would need to be readvertised. Mr. Moore stated an ordinance could be drafted and introduced by Council, which would include public hearings before both the Planning and Zoning Commission and County Council.

**M 157 12  
Adopt Ord.  
No. 2245/  
Amend  
Chapter 115  
Garage/  
Studio  
Apartments**

**A Motion was made by Mr. Cole, seconded by Mr. Phillips, to adopt Ordinance No. 2245 entitled, "AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY TO PERMIT GARAGE/STUDIO APARTMENTS WITH PARKING AS SPECIAL USE EXCEPTIONS IN GR GENERAL RESIDENTIAL DISTRICTS".**

**Motion Adopted: 5 Yea.**

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Phillips, Yea; Mr. Wilson, Yea;  
Mr. Vincent, Yea**

**Old Business** The County Council discussed a Proposed Ordinance entitled, "AN



(C/U No.  
1915)  
Michael  
Van Drunen

**ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MANUFACTURED HOME INSTALLATION BUSINESS AND RELATED EQUIPMENT STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 3.0 ACRES, MORE OR LESS” (Conditional Use No. 1915) filed on behalf of Michael Van Drunen.**

(Con’t.)

The Planning and Zoning Commission held a Public Hearing on this application on December 8, 2011, at which time action was deferred for further consideration and to allow the Commission time to review the video submitted during the Public Hearing. The Commission discussed this application again on January 26, 2012 under Old Business, at which time they approved the application based upon the record, which included 6 reasons and 8 conditions made at the public hearing, and read into the record by Mr. Abbott during today’s Public Hearing.

The County Council held a Public Hearing on this application on January 3, 2012, at which time the Public Hearing was closed and action was deferred. The record was left open for the purpose of viewing the video submitted during the Public Hearing before the Planning and Zoning Commission.

Council raised questions regarding the timeline for completion of the conditions within the conditional use and the location of dumpsters. Mr. Abbott noted that conditional uses are valid for three years and dumpster location would be depicted on the site plan.

M 158 12  
Adopt Ord.  
No. 2246/  
(C/U 1915)  
Michael  
Van Drunen/  
with  
conditions

A Motion was made by Mrs. Deaver, seconded by Mr. Wilson, to Adopt Ordinance No. 2246, entitled, “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MANUFACTURED HOME INSTALLATION BUSINESS AND RELATED EQUIPMENT STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 3.0 ACRES, MORE OR LESS” (Conditional Use No. 1915) filed on behalf of Michael Van Drunen, subject to the following 8 conditions:

1. The Applicant shall install a solid wood or vinyl covered barrier fence at least six (6) feet in height to screen the property and the use from neighboring properties and roadways. There shall not be any dirt piles, dumpsters, equipment, debris, etc. outside of the fenced-in area.
2. Any dumpsters on the site shall be covered at all times to prevent the scattering of construction waste or other trash and debris onto the site or neighboring properties.
3. As stated by the Applicant, landscaping must be installed along the perimeter of the driveway; parking and storage areas to improve the property’s appearance and to have it blend in with nearby residential properties. A landscaping plan showing these areas shall be supplied at the same time as the Final Site Plan.

4. Any security lights shall be downward screened so that they do not shine on neighboring properties or roadways.
5. One unlighted sign, not to exceed 32 square feet in size, shall be permitted.
6. The location of all parking, storage areas, fences, and dumpsters shall be shown on the Final Site Plan.
7. No mobile or manufactured homes shall be stored or located on the site at any time without a valid placement permit from Sussex County.
8. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

(Con't.) Motion Adopted: 5 Yea.

Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Phillips, Yea; Mr. Wilson, Yea;  
Mr. Vincent, Yea

**Paramedic  
Station 103/  
Lease  
Renewal**

Mr. Stuart, Director of EMS, presented the Renewal Lease Agreement for a lease for Sussex County Paramedic Station 103/Special Operations. He stated the lease was actually a revision of an existing lease that had been in effect for 5 years, and had been reviewed by the County's legal counsel and insurance consultant. Copies of the lease had been provided to Council for their review.

Mr. Wilson raised questions regarding the location of the station, size of the building, cost of the lease, and whether the lease included both building and land. Mr. Stuart explained that the paramedic station was approximately 7,800 square feet; located at the Country Garden Business Center north of Dagsboro; the lease includes the building only, with parking provided; the \$4,000 monthly rental is not the County's highest costing station; and includes space for special operations, the paramedic station, and a small fitness center. Discussion was also held regarding the benefits of building new versus renting. It was noted that if land was found to be purchased within the lease period, a no penalty opt-out clause was included in the lease provided 60-days notice is given.

**M 159 12  
Approve  
Lease/  
Paramedic  
Station 103**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, that the Sussex County Council approve a new lease agreement for Paramedic Station 103/Special Operations between Sussex County Council and John H. Parker, Sr., representing J & Y Parker Family, L.P., for a period of five years, from April 1, 2012 through March 31, 2017, as per the terms and conditions of the lease.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Phillips, Yea; Mr. Wilson, Yea;  
Mr. Vincent, Yea

**Request  
Deferred**

The grant request for the Sunshine Circle Club was deferred to allow determination of its nonprofit status.

- M 160 12**  
**Community**  
**Grant/**  
**Ellendale**  
**Community**  
**Improvement**  
**Association**  
**Society**
- A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to give \$350 from Mrs. Deaver's Community Grant Account to the Ellendale Community Civic Improvement Association (ECCIA) for their annual fundraiser and honorees banquet.**
- Motion Adopted: 5 Yea.**
- Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Phillips, Yea; Mr. Wilson, Yea;  
Mr. Vincent, Yea**
- M 161 12**  
**Community**  
**Grant/Kids**  
**On Campus**
- A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$1,000 (\$200 from each Community Grant Account) to Delaware Technical Community College for their Kids on Campus Scholarship Program.**
- Motion Adopted: 5 Yea.**
- Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Phillips, Yea; Mr. Wilson, Yea;  
Mr. Vincent, Yea**
- M 162 12**  
**Community**  
**Grant/**  
**Ellendale**  
**Volunteer**  
**Fire**  
**Company**
- A Motion was made by Mr. Wilson, seconded by Mr. Cole, to give \$1,000 (\$200 from each Community Grant Account) to the Ellendale Volunteer Fire Company to help defray costs in hosting the 83<sup>rd</sup> Annual Del-Mar-Va Fireman's Convention.**
- Motion Adopted: 5 Yea.**
- Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Phillips, Yea; Mr. Wilson, Yea;  
Mr. Vincent, Yea**
- M 163 12**  
**Community**  
**Grant/**  
**People to**  
**People**
- A Motion was made by Mr. Phillips, seconded by Mrs. Deaver, to give \$200 (\$100 each from Mr. Phillips' and Mr. Vincents' Community Grant Accounts) to the People to People Student Ambassador Program for Amore Buonopane (student at Delmar High School) to attend a leadership summit this summer in Italy and Greece.**
- Motion Adopted: 5 Yea.**
- Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Phillips, Yea; Mr. Wilson, Yea;  
Mr. Vincent, Yea**
- M 164 12**  
**Community**  
**Grant/**  
**Teens in**  
**Perspective**
- A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$500 (\$100 from each Community Grant Account) to Teens in Perspective, Inc. to sponsor Sussex County teens to attend a statewide Girls Empowerment Conference on March 31, 2012.**
- Motion Adopted: 5 Yea.**

**Vote by Roll Call:** Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Phillips, Yea; Mr. Wilson, Yea;  
Mr. Vincent, Yea

**Additional  
Business/  
House Bill  
No. 290**

**(Con't.)**

Prior to the beginning of 'Additional Business', Mr. Phillips stated Council is very sensitive to the issues surrounding House Bill No. 290 and that his support of the bill was to ultimately receive clarification from the Delaware Supreme Court as to the definition of 'conservator of the peace'. The synopsis contained within the bill reads, "This bill makes the Delaware law clear that the county sheriffs and their deputies do not have arrest authority. Historically the sheriffs and deputies have not exercised arrest authority and the Attorney General's office has given an opinion that the sheriff's 'power to arrest is no greater than that shared by any citizen'".

At the request of an audience member, a moment of silence was held in honor of all fallen heroes.

The following individuals spoke in opposition to House Bill No. 290: Dan Kramer, Ed Funk, Earl Lofland, Don Ayotte, Eric Bodenweiser, William Christy, Scott Witzke, Robert Cooper, Sandi Minard, Wolfgang von Baumgart, John Christensen, Todd Mumford, Bob Atkinson, and Will McVay

Margaret Reyes spoke in favor of House Bill No. 290.

**M 165 12  
Go into  
Executive  
Session**

At 12:29 p.m., a Motion was made by Mr. Cole, seconded by Mr. Phillips, to recess the Regular Session and to go into Executive Session for the purpose of discussing issues relating to pending/potential litigation and land acquisition.

**Motion Adopted:** 5 Yea.

**Vote by Roll Call:** Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Phillips, Yea; Mr. Wilson, Yea;  
Mr. Vincent, Yea

**Executive  
Session**

At 12:32 p.m., an Executive Session of the Sussex County Council was held in the County Council Caucus Room for the purpose of discussing issues relating to pending/potential litigation and land acquisition. The Executive Session concluded by 12:44 p.m.

**M 166 12  
Reconvene  
Regular  
Session**

At 12:45 p.m., a Motion was made by Mr. Cole, seconded by Mr. Wilson, to come out of Executive Session and to reconvene the Regular Session.

**Motion Adopted:** 5 Yea.

**Vote by Roll Call:** Mrs. Deaver, Yea; Mr. Cole, Yea;  
Mr. Phillips, Yea; Mr. Wilson, Yea;  
Mr. Vincent, Yea

**Executive  
Session Action**

**Mr. Moore announced that no action was required on Executive Session items.**

**M 167 12  
Adjourn**

**At 12:48 p.m., a Motion was made by Mr. Cole, seconded by Mr. Wilson, to adjourn. Motion Adopted by Voice Vote.**

**Respectfully submitted,**

**Nancy J. Cordrey  
Assistant Clerk of the County Council**